
EXPLANATORY NOTE

(This note is not part of the Act of Sederunt)

This Act of Sederunt amends the Rules of the Court of Session by–

- (a) removing remaining restrictions on solicitors outside Edinburgh practising in the Court of Session (paragraph 2(3), (4), (7), (8), (10), (17), (22), (26)–(29) and (31)–(33));
- (b) clarifying the rules relating to certain motions, by providing expressly that counsel may appear with or without a solicitor (paragraph 2(6), (8) and (14)–(16));
- (c) amending the procedure for entering appearance (paragraph 2(11));
- (d) providing that, where an Edinburgh solicitor and a solicitor outside Edinburgh are both involved in proceedings any additional amount allowed by way of expenses shall no longer be mandatory but shall be at the auditor’s discretion (paragraph 2(30));
- (e) amending rule 188D(12), following an amendment to section 15 of the Matrimonial Homes (Family Protection) (Scotland) Act 1981 (c. 59) by section 64 of the Law Reform (Miscellaneous Provisions) (Scotland) Act 1990 (c. 40) (paragraph 2(18));
- (f) amending rule 189 to provide for applications for a fiat on the dependence of certain consistorial actions (paragraph 2(3));
- (g) amending rules 260P, 260Q and 260R to take account of the Family Law Act 1986 (Dependent Territories) Order 1991 (S.I.1991/1723) (paragraph 2(23)–(25));
- (h) providing for the exercise of certain rights in terms of Rules of Court by solicitors who have rights of audience in the Court of Session and for the expenses allowable in respect of the exercise by such solicitors of those rights of audience (paragraph 2(2)(11), (12), (20), (21), (30) and (31)); and
 - (i) providing that certain documents no longer require to be signed (paragraph 2(2)(d)).